

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7292

BILL NUMBER: SB 469

DATE PREPARED: Dec 31, 1998

BILL AMENDED:

SUBJECT: Child support emancipation age.

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FUNDS AFFECTED: X GENERAL
DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill lowers the age of emancipation from 21 years of age to 18 years of age for purposes of child support obligations if the child: (1) graduates from high school; or (2) is not enrolled in or is not continuously attending high school. The bill terminates court ordered child support regardless of educational circumstances after a child becomes 19 years of age, unless the child is incapacitated.

This bill retains a court's ability to order secondary school educational expenses after the child reaches 19 years of age if the child has not obtained a high school diploma as the result of a physician documented illness. The bill permits court ordered postsecondary educational expenses under certain circumstances. It requires the child to maintain at least a C grade average under certain circumstances in order to be eligible to receive parental financial support for the child's postsecondary education.

This bill prohibits a court from ordering a parent to pay for a child's educational expenses that exceed the costs assessed by a public institution of higher learning. The bill makes the payment of court ordered child support in dissolution of marriage and paternity cases mandatory. It prohibits a custodial parent from voluntarily withdrawing the parent's child from school without the noncustodial parent's consent unless withdrawing the child from school is the result of a physician documented illness. The bill allows a court to escrow child support payments until the child is reenrolled in school unless the court determines that the escrowing of child support payments is likely to harm the child's best interests. It makes conforming changes.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill lowers the age of emancipation which could effect the level of child support obligations. This provision could impact state and local governments two ways.

To the extent that child support payments are decreased at certain marginal levels of income, some custodial families may be more likely to go on the Temporary Aid to Needy Families (TANF) program or less likely

to come off the TANF program. The TANF program is a cost shared program with the federal share being 63%, the state share being 22%, and the local share being 15%. TANF eligibility also guarantees eligibility for Medicaid (shared 61.01% by the federal government and 38.99% by the state).

Secondly, to the extent that these actions lead to a decreased recovery of child support payments by the state when payments have been assigned to the state by application for assistance under TANF, there could be a negative impact on federal, state, and local governments.

Explanation of State Revenues:

Explanation of Local Expenditures: See State Expenditures.

Explanation of Local Revenues:

State Agencies Affected: Family and Social Services Administration.

Local Agencies Affected: Counties.

Information Sources: